

AMENDED IN SENATE JUNE 10, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1944

Introduced by Assembly Member Fletcher

February 17, 2010

An act to amend ~~Section 5007 of, and to add Section 5007.3 to, Sections 5007 and 22511.55 of the Vehicle Code~~, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as amended, Fletcher. Vehicles: special license plates: disabled veterans.

Under existing law, the Department of Motor Vehicles is required, upon application and without additional fees, to issue a special license plate or plates to a disabled person, a disabled veteran, or an organization or agency involved in the transportation of those persons pursuant to procedures adopted by the department. *Existing law requires the department, prior to issuing a special license plate to a disabled person or disabled veteran, to require the submission of a certificate signed by a medical professional, as provided, that substantiates the disability of the person or veteran, in certain situations.*

~~This bill would delete “disabled veteran” from these provisions and instead establish new requirements for the issuance of a special license plate to a disabled veteran that would require that the United States Department of Veterans Affairs certify on a form prescribed by the Department of Motor Vehicles that the veteran is disabled as a result of an injury or disease suffered while on active duty with the Armed Forces of the United States.~~

This bill, in addition, would require the department to accept, in lieu of the certificate signed by a medical professional, a certificate from the United States Department of Veterans Affairs that certifies the applicant is a disabled veteran.

Existing law authorizes a disabled person or veteran to apply to the department for the issuance of a distinguishing placard to be used in lieu of the special license plate. Existing law requires the department, prior to issuing the placard to a disabled person or disabled veteran, to require the submission of a certificate signed by a medical professional, as provided, that substantiates the disability of the person or veteran, in certain situations.

This bill, in addition, would require the department to accept, in lieu of the certificate signed by a medical professional, a certificate from the United States Department of Veterans Affairs that certifies the applicant is a disabled veteran.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 5007 of the Vehicle Code is amended to*
2 *read:*
3 5007. (a) The department shall, upon application and without
4 additional fees, issue a special license plate or plates pursuant to
5 procedures adopted by the department to the following:
6 (1) A disabled person.
7 (2) A disabled veteran.
8 (3) An organization or agency involved in the transportation of
9 disabled persons or disabled veterans if the vehicle that will have
10 the special license plate is used solely for the purpose of
11 transporting those persons.
12 (b) The special license plates issued under subdivision (a) shall
13 run in a regular numerical series that shall include one or more
14 unique two-letter codes reserved for disabled person license plates
15 or disabled veteran license plates. The International Symbol of
16 Access adopted pursuant to Section 3 of Public Law 100-641,
17 commonly known as the “wheelchair symbol” shall be depicted
18 on each plate.
19 (c) (1) ~~Prior~~ *Except as provided in paragraph (3), prior to*
20 issuing a special license plate to a disabled person or disabled

1 veteran, the department shall require the submission of a certificate,
2 in accordance with paragraph (2), signed by the physician and
3 surgeon, or to the extent that it does not cause a reduction in the
4 receipt of federal aid highway funds, by a nurse practitioner,
5 certified nurse midwife, or physician assistant, substantiating the
6 disability, unless the applicant's disability is readily observable
7 and uncontested. The disability of a person who has lost, or has
8 lost use of, one or more lower extremities or one hand, for a
9 disabled veteran, or both hands for a disabled person, or who has
10 significant limitation in the use of lower extremities, may also be
11 certified by a licensed chiropractor. The blindness of an applicant
12 shall be certified by a licensed physician and surgeon who
13 specializes in diseases of the eye or a licensed optometrist. The
14 physician and surgeon, nurse practitioner, certified nurse midwife,
15 physician assistant, chiropractor, or optometrist certifying the
16 qualifying disability shall provide a full description of the illness
17 or disability on the form submitted to the department.

18 (2) The physician and surgeon, nurse practitioner, certified nurse
19 midwife, physician assistant, chiropractor, or optometrist who
20 signs a certificate submitted under this subdivision shall retain
21 information sufficient to substantiate that certificate and, upon
22 request of the department, shall make that information available
23 for inspection by the Medical Board of California or the appropriate
24 regulatory board.

25 (3) *For a disabled veteran, the department shall accept, in lieu*
26 *of the certificate described in paragraph (1), a certificate from the*
27 *United States Department of Veterans Affairs that certifies the*
28 *applicant is a disabled veteran as described in Section 295.7.*

29 (d) A disabled person or disabled veteran issued a license plate
30 or plates under this section shall, upon request, present to a peace
31 officer, or person authorized to enforce parking laws, ordinances,
32 or regulations, a certification form that substantiates the eligibility
33 of the disabled person or veteran to possess the plate or plates. The
34 certification shall be on a form prescribed by the department and
35 contain the name of the disabled person or disabled veteran to
36 whom the plate or plates were issued, and the name, address, and
37 telephone number of the medical professional described in
38 subdivision (c) who certified the eligibility of the person or veteran
39 for the plate or plates.

(e) The certification requirements of subdivisions (c) and (d) do not apply to an organization or agency that is issued a special license plate or plates under paragraph (3) of subdivision (a).

(f) The special license plate shall, upon the death of the disabled person or disabled veteran, be returned to the department within 60 days or upon the expiration of the vehicle registration, whichever occurs first.

(g) When a vehicle subject to paragraph (3) of subdivision (a) is sold or transferred, the special license plate or plates issued to an organization or agency under paragraph (3) of subdivision (a) for that vehicle shall be immediately returned to the department.

SEC. 2. Section 22511.55 of the Vehicle Code is amended to read:

22511.55. (a) (1) A disabled person or disabled veteran may apply to the department for the issuance of a distinguishing placard. The placard may be used in lieu of the special license plate or plates issued under Section 5007 for parking purposes described in Section 22511.5 when suspended from the rearview mirror or, if there is no rearview mirror, when displayed on the dashboard of a vehicle. It is the intent of the Legislature to encourage the use of these distinguishing placards because they provide law enforcement officers with a more readily recognizable symbol for distinguishing vehicles qualified for the parking privilege. The placard shall be the size, shape, and color determined by the department and shall bear the International Symbol of Access adopted pursuant to Section 3 of Public Law 100-641, commonly known as the “wheelchair symbol.” The department shall incorporate instructions for the lawful use of a placard, and a summary of the penalties for the unlawful use of a placard, into the identification card issued to the placard owner.

(2) (A) The department may establish procedures for the issuance and renewal of the placards. The placards shall have a fixed expiration date of June 30 every two years. A portion of the placard shall be printed in a contrasting color that shall be changed every two years. The size and color of this contrasting portion of the placard shall be large and distinctive enough to be readily identifiable by a law enforcement officer in a passing vehicle.

(B) As used in this section, “year” means the period between the inclusive dates of July 1 through June 30.

1 (C) Prior to the end of each year, the department shall, for the
2 most current three years available, compare its record of disability
3 placards issued against the records of the Bureau of Vital Statistics
4 of the State Department of Health Services, or its successor, and
5 withhold any renewal notices that otherwise would have been sent,
6 for a placardholder identified as deceased.

7 (3) Except as provided in paragraph (4), a person is not eligible
8 for more than one placard at a time.

9 (4) Organizations and agencies involved in the transportation
10 of disabled persons or disabled veterans may apply for a placard
11 for each vehicle used for the purpose of transporting disabled
12 persons or disabled veterans.

13 (b) (1) ~~Prior~~ *Except as provided in paragraph (4), prior to*
14 *issuing an original distinguishing placard to a disabled person or*
15 *disabled veteran, the department shall require the submission of a*
16 *certificate, in accordance with paragraph (2), signed by the*
17 *physician and surgeon, or to the extent that it does not cause a*
18 *reduction in the receipt of federal aid highway funds, by a nurse*
19 *practitioner, certified nurse midwife, or physician assistant,*
20 *substantiating the disability, unless the applicant's disability is*
21 *readily observable and uncontested. The disability of a person who*
22 *has lost, or has lost use of, one or more lower extremities or one*
23 *hand, for a disabled veteran, or both hands, for a disabled person,*
24 *or who has significant limitation in the use of lower extremities,*
25 *may also be certified by a licensed chiropractor. The blindness of*
26 *an applicant shall be certified by a licensed physician and surgeon*
27 *who specializes in diseases of the eye or a licensed optometrist.*
28 *The physician and surgeon, nurse practitioner, certified nurse*
29 *midwife, physician assistant, chiropractor, or optometrist certifying*
30 *the qualifying disability shall provide a full description of the*
31 *illness or disability on the form submitted to the department.*

32 (2) The physician and surgeon, nurse practitioner, certified nurse
33 midwife, physician assistant, chiropractor, or optometrist who
34 signs a certificate submitted under this subdivision shall retain
35 information sufficient to substantiate that certificate and, upon
36 request of the department, shall make that information available
37 for inspection by the Medical Board of California or the appropriate
38 regulatory board.

39 (3) The department shall maintain in its records all information
40 on an applicant's certification of permanent disability and shall

1 make that information available to eligible law enforcement or
2 parking control agencies upon a request pursuant to Section
3 22511.58.

4 (4) *For a disabled veteran, the department shall accept, in lieu*
5 *of the certificate described in paragraph (1), a certificate from the*
6 *United States Department of Veterans Affairs that certifies that*
7 *the applicant is a disabled veteran as described in Section 295.7.*

8 (c) A person who is issued a distinguishing placard pursuant to
9 subdivision (a) may apply to the department for a substitute placard
10 without recertification of eligibility, if that placard is lost or stolen.

11 (d) The distinguishing placard shall be returned to the
12 department not later than 60 days after the death of the disabled
13 person or disabled veteran to whom the placard was issued.

14 (e) The department shall print on any distinguishing placard
15 issued on or after January 1, 2005, the maximum penalty that may
16 be imposed for a violation of Section 4461. For the purposes of
17 this subdivision, the “maximum penalty” is the amount derived
18 from adding all of the following:

19 (1) The maximum fine that may be imposed under Section 4461.

20 (2) The penalty required to be imposed under Section 70372 of
21 the Government Code.

22 (3) The penalty required to be levied under Section 76000 of
23 the Government Code.

24 (4) The penalty required to be levied under Section 1464 of the
25 Penal Code.

26 (5) The surcharge required to be levied under Section 1465.7
27 of the Penal Code.

28 (6) The penalty authorized to be imposed under Section 4461.3.

29 ~~SECTION 1. Section 5007 of the Vehicle Code is amended to~~
30 ~~read:~~

31 ~~5007. (a) The department shall, upon application and without~~
32 ~~additional fees, issue a special license plate or plates pursuant to~~
33 ~~procedures adopted by the department to the following:~~

34 ~~(1) A disabled person.~~

35 ~~(2) An organization or agency involved in the transportation of~~
36 ~~disabled persons or disabled veterans if the vehicle that will have~~
37 ~~the special license plate is used solely for the purpose of~~
38 ~~transporting those persons.~~

39 ~~(b) The special license plates issued under subdivision (a) shall~~
40 ~~run in a regular numerical series that shall include one or more~~

1 unique two-letter codes reserved for disabled person license plates.
2 The International Symbol of Access adopted pursuant to Section
3 3 of Public Law 100-641, commonly known as the “wheelchair
4 symbol” shall be depicted on each plate.

5 (e) (1) Prior to issuing a special license plate to a disabled
6 person, the department shall require the submission of a certificate,
7 in accordance with paragraph (2), signed by the physician and
8 surgeon, or to the extent that it does not cause a reduction in the
9 receipt of federal aid highway funds, by a nurse practitioner,
10 certified nurse midwife, or physician assistant, substantiating the
11 disability, unless the applicant’s disability is readily observable
12 and uncontested. The disability of a person who has lost, or has
13 lost use of, one or more lower extremities or one or both hands,
14 or who has significant limitation in the use of his or her lower
15 extremities, may also be certified by a licensed chiropractor. The
16 blindness of an applicant shall be certified by a licensed physician
17 and surgeon who specializes in diseases of the eye or a licensed
18 optometrist. The physician and surgeon, nurse practitioner, certified
19 nurse midwife, physician assistant, chiropractor, or optometrist
20 certifying the qualifying disability shall provide a full description
21 of the illness or disability on the form submitted to the department.

22 (2) The physician and surgeon, nurse practitioner, certified nurse
23 midwife, physician assistant, chiropractor, or optometrist who
24 signs a certificate submitted under this subdivision shall retain
25 information sufficient to substantiate that certificate and, upon
26 request of the department, shall make that information available
27 for inspection by the Medical Board of California or the appropriate
28 regulatory board.

29 (d) A disabled person issued a license plate or plates under this
30 section shall, upon request, present to a peace officer, or person
31 authorized to enforce parking laws, ordinances, or regulations, a
32 certification form that substantiates the eligibility of the disabled
33 person to possess the plate or plates. The certification shall be on
34 a form prescribed by the department and contain the name of the
35 disabled person to whom the plate or plates were issued, and the
36 name, address, and telephone number of the medical professional
37 described in subdivision (e) who certified the eligibility of the
38 person for the plate or plates.

1 ~~(e) The certification requirements of subdivisions (c) and (d)~~
2 ~~do not apply to an organization or agency that is issued a special~~
3 ~~license plate or plates under paragraph (2) of subdivision (a).~~

4 ~~(f) The special license plate shall, upon the death of the disabled~~
5 ~~person, be returned to the department within 60 days or upon the~~
6 ~~expiration of the vehicle registration, whichever occurs first.~~

7 ~~(g) When a vehicle subject to paragraph (2) of subdivision (a)~~
8 ~~is sold or transferred, the special license plate or plates issued to~~
9 ~~an organization or agency under paragraph (2) of subdivision (a)~~
10 ~~for that vehicle shall be immediately returned to the department.~~

11 SEC. 2. Section 5007.3 is added to the Vehicle Code, to read:

12 5007.3. ~~(a) The department shall, upon application and without~~
13 ~~additional fees, issue a special license plate or plates pursuant to~~
14 ~~procedures adopted by the department to a disabled veteran.~~

15 ~~(b) The special license plates issued under subdivision (a) shall~~
16 ~~run in a regular numerical series that shall include one or more~~
17 ~~unique two-letter codes reserved for disabled veteran license plates.~~
18 ~~The International Symbol of Access adopted pursuant to Section~~
19 ~~3 of Public Law 100-641, commonly known as the “wheelchair~~
20 ~~symbol” shall be depicted on each plate.~~

21 ~~(c) Prior to issuing a special license plate or plates to a disabled~~
22 ~~veteran, the department shall require certification from the United~~
23 ~~States Department of Veterans Affairs that the disabled veteran~~
24 ~~has a service-connected disability described in Section 295.7.~~

25 ~~(d) A disabled veteran issued a license plate or plates under this~~
26 ~~section shall, upon request, present to a peace officer, or person~~
27 ~~authorized to enforce parking laws, ordinances, or regulations, the~~
28 ~~certification that substantiates the eligibility of the disabled veteran~~
29 ~~to possess the plate or plates. The certification shall be on a form~~
30 ~~prescribed by the department and contain the name of the disabled~~
31 ~~veteran to whom the plate or plates were issued, and the name,~~
32 ~~office address, and telephone number of the person from the United~~
33 ~~States Department of Veterans Affairs who certified the eligibility~~
34 ~~of the veteran for the plate or plates.~~

35 ~~(e) The special license plate shall, upon the death of the disabled~~
36 ~~veteran, be returned to the department within 60 days or upon the~~
37 ~~expiration of the vehicle registration, whichever occurs first.~~